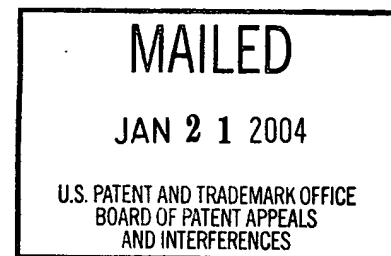


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte BILL L. DAVIS *et al.*

Appeal No. 2003-1231  
Application 09/315,796<sup>1</sup>



DECISION ON PETITION TO MAKE SPECIAL

On September 22, 2003, Applicants filed a Petition to Make Special (Paper No. 72). In the Petition, Applicants ask that this application be considered special under 37 CFR § 1.102(d), in accordance with MPEP 708.02(II), on the basis that there is a possible infringement.

Title 37 CFR § 1.176 (a) stipulates with regard to the examination of reissue applications that:

(a) . . . Applications for reissue will be acted on by the examiner in advance of other applications.

Furthermore, MPEP 708.01 designates the List of Special Cases and states the following as one of the list of special cases (those which are advanced out of turn for examination):

(C) Applications for reissues, particularly those involved in stayed litigation (37 CFR 1.176).

<sup>1</sup> This application is a Reissue of Patent No. 5,630,363, issued on May 20, 1997.

Accordingly, for the reasons given above, since this application is already considered to special due to it being an application for reissue, the Petition to make Special is dismissed as being moot.

BY ORDER OF THE BOARD OF PATENT  
APPEALS AND INTERFERENCES



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